IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 25022 of 2007(D)

PETITIONER:

L.SREEDEVI,
D/O.GOPALAKRISHNA PILLAI,
MANAKKAD P.O., THODUPUZHA.

BY ADV. SRI.JOSE JOSEPH ARAYAKUNNEL
SRI.VARGHESE PARAMBIL

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, IDUKKI,
PAINAV P.O., IDUKKI.

2. THE DEPUTY TAHSILDAR (R.R.),
TALUK OFFICE, THODUPUZHA P.O.

3. THE MANAGER,
FEDERAL BANK LTD.,
THODUPUZHA BRANCH, THODUPUZHA (PO).

BY ADV. SRI.A.ANTONY
SMT.LEELAMMA ANTONY
BY GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). 25022/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE DISCHARGE SUMMARY DT. 17.2.07 FROM AMRITA HOSPITAL, KOCHI ISSUED TO THE PETITIONER.

EXT.P2:- COPY OF THE DISCHARGE SUMMARY DT. 19.5. 04 FROM LISSIE HOSPITAL, ERNAKULAM TO THE PETITIONER.

EXT.P3:- COPY OF THE STATEMENT SHOWING THE PAYMENTS OF 8 INSTALMENTS BY THE PETITIONER ISSUED BY THE FEDERAL BANK, BRANCH THODUPUZHA.

EXT.P4:- COPY OF THE LETTER DT. 29.10.02, SENT TO THE PETITIONER'S SISTER LATHIKA FROM THE 3RD RESPONDENT.

EXT.P5:- COPY OF THE STATEMENT OF ACCOUNT DT. 25.5.06 SENT TO THE PETITIONER BY THE 3RD RESPONDENT.

EXT.P6:- COPY OF THE NOTICE DT. 4.10.06, ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT.

EXT.P7:- COPY OF THE LETTER DT. 23.10.06 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.

EXT.P8:- COPY OF THE REMINDER LETTER DT. 10.11.06 SENT TO THE 3RD RESPONDENT BY THE PETITIONER.

EXT.P9:- COPY OF THE LETTER DT. NIL SENT BY PETITIONER TO THE IST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

V.GIRI, J.

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W.P.(C)No.25022 of 2007

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Dated this the 12th day of December 2007

JUDGMENT

In my view, though the petitioner challenges Ext.P6 revenue recovery notice, the substantive dispute is between the petitioner on one hand and the third respondent on the other hand. The writ petition will not lie as against the third respondent, going by the dictum of the decision of the Supreme Court in **Federal Bank Ltd. v Sagar Thomas** (2003(3) KLT 876).

Learned counsel for the petitioner submits that the interest is demanded under Ext.P6 at the rate of 9% and the recovery officials may levy interest from 11.4.2001 which is stated as the date on which the amount fell due. Learned counsel for the third respondent submits that the interest in the manner indicated in Ext.P6 will be levied only from the date of Ext.P6 and not from 11.4.2001 and that the amount of Rs.36,428/= is the amount due as on 4.10.2006. Submission is recorded. No further clarification is necessary.

The writ petition is disposed of.

V.GIRI, JUDGE

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